

Kaplan, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMUSEMENT INDUSTRY, INC., dba WESTLAND
INDUSTRIES; PRACTICAL FINANCE CO., INC.,

Plaintiffs,

- against -

MOSES STERN, aka MARK STERN; JOSHUA SAFRIN,
FIRST REPUBLIC GROUP REALTY LLC, EPHRAIM
FRENKEL, LAND TITLE ASSOCIATES ESCROW,

Defendants.

JOSHUA SAFRIN,

Defendant/Third Party-Crossclaim-
Counterclaim-Plaintiff,

- against -

STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN
INGERSOLL & ROONEY, P.C., BANKERS CAPITAL
REALTY ADVISORS LLC, and FIRST REPUBLIC
GROUP CORP.,

Third Party Defendants,

- and -

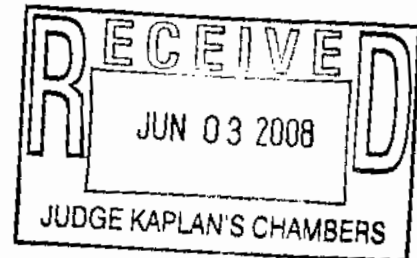
MOSES STERN, aka MARK STERN, FIRST REPUBLIC
GROUP REALTY LLC, EPHRAIM FRENKEL, and
LAND TITLE ASSOCIATES ESCROW,

Defendants/Crossclaim Defendants,

- and -

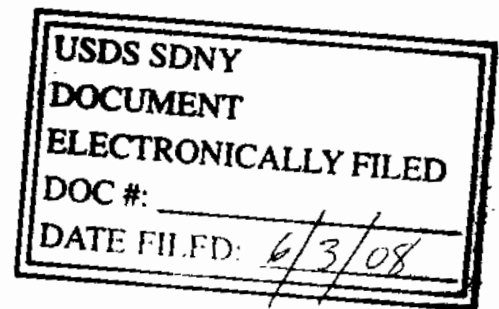
AMUSEMENT INDUSTRY, INC., dba WESTLAND
INDUSTRIES, PRACTICAL FINANCE CO., INC.,

Plaintiffs/Counterclaim Defendants.



No. 07 Civ. 11586 (LAK)(GWG)

STIPULATION



WHEREAS on May 1, 2008, Defendant/Third Party Plaintiff Joshua Safrin
("Safrin") filed a Third Party Complaint, which appears on the Court's docket as entry
number 65; and

WHEREAS, on May 27, 2008, Third Party Defendant First Republic Group Corp. ("First Republic Corp.") made a motion, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Third Party Complaint (the "Dismissal Motion"); and

WHEREAS the Dismissal Motion appears on the Court's docket as entries 82 and 83; and

WHEREAS, on May 29, 2008, Safrin filed an Amended Third Party Complaint (the "Amended Third Party Complaint"); and

WHEREAS, the Amended Third Party Complaint supersedes the Third Party Complaint; and

WHEREAS, First Republic Corp. intends to move to dismiss the Amended Third Party Complaint; and

WHEREAS, the parties wish to agree upon a schedule for briefing of the anticipated motion to dismiss the Amended Third Party Complaint (the "Anticipated Dismissal Motion"); and

WHEREAS, this is the first request to set a briefing schedule on the Anticipated Motion that deviates from the time periods set forth in Rule 6.1 of the Local Rules for the Southern and Eastern Districts of New York;

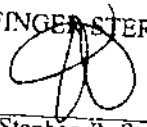
IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- (a) The Anticipated Dismissal Motion shall be served and filed by First Republic Corp. on or before June 9, 2008;
- (b) The Anticipated Dismissal Motion, when served and filed, shall supersede Dismissal Motion;
- (c) Answering papers, if any, on the Anticipated Dismissal Motion shall be served and filed on or before July 11, 2008;

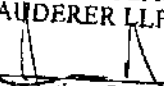
- (d) Reply papers, if any, on the Anticipated Dismissal Motion shall be served and filed on or before July 25, 2008; and
- (e) This stipulation may be executed in counterparts.

Dated: New York, New York
June 1, 2008

HOFFINGER STERN & ROSS, LLP

By: 
Stephen R. Stern (SS-5665)

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ZAUDERER LLP

By: 
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Attorneys for Defendant Joshua Safrin

SO ORDERED:



U.S.D.J.

6/3/08